

**400 KAR 3:030. Procedures for inclusion, removal or change of status of plant species on the state endangered or threatened list.**

RELATES TO: KRS 146.485, 146.610

STATUTORY AUTHORITY: KRS 146.485, 146.610

NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.610 authorizes the Kentucky State Nature Preserves Commission to promulgate administrative regulations for the identification and designation of state threatened and endangered plant species. This administrative regulation establishes procedures for nomination and inclusion of plant species to these lists.

Section 1. Candidate Nomination. (1) Any person may nominate a candidate for inclusion, removal, or change of status on the state endangered or threatened list.

(2) The nomination shall be in writing and shall be submitted to the Director of the Kentucky State Nature Preserves Commission, 801 Schenkel Lane, Frankfort, Kentucky 40601.

(3) Prior to consideration for inclusion on a list, a candidate shall be established as occurring in the state by a voucher specimen deposited in a public herbarium or photographic documentation that has been confirmed by a botanical authority on this plant, and accompanied by written documentation as to the specific location of the collection site, date of collection, description of the habitat and population size.

(4) The commission may consult with the Kentucky Academy of Science and other experts regarding the status of listed and candidate plant species.

Section 2. Consideration of Candidate. (1) If the requirements of Section 1 of this administrative regulation have been satisfied, the commission shall, utilizing the factors set forth in KRS 146.610(2)(a) and the criteria set forth in 400 KAR 3:020, Section 3, consider the candidate for inclusion, removal or change of status on the state endangered or threatened list.

(2) The commission may conduct its own investigation as to the status of the candidate.

(3) The commission may place a candidate into a category for which it is nominated, a category other than the one (1) for which it has been nominated or may decline to place the candidate on any list.

(4) The commission shall notify the person who nominated the candidate of the commission's decision on the listing of the species. (28 Ky.R. 2123; Am. 2334; eff. 5-16-2002.)